



Louisiana

Office of the Governor
Auctioneers Licensing Board

11736 Newcastle Avenue, Bldg. 2, Suite C
Baton Rouge, LA 70816

Telephone 225.295.8420 Fax 225.372.8584
Website: www.lalab.org Email: admin@lalab.org

BOARD MEETING AGENDA

Date: **Monday, September 17, 2012**

Time: **11:00 am**

Place: Louisiana Municipal Association, 700 North 10th Street, Baton Rouge, LA 70802

- I. CALL TO ORDER AND ROLL CALL
- II. PUBLIC COMMENT on the following agenda items
- III. APPROVAL OF MINUTES from July 16, 2012
- IV. OLD BUSINESS
 1. Approval of Tested Auctioneer Applicants:
 1. Wendi Doyle (DeQuincy, LA)
 2. Dusty Harper (Hineston, LA)
 3. Justin 'Hunter' Johnson (Rosepine, LA)
 4. Clayton Voisin (Houma, LA)
 5. Gabriel Petersen (Nebraska auctioneer, licensed in several states)
 6. Ashton Thomas (New Orleans, LA)
 2. Approval of Reciprocal Auctioneer Applicants:
 1. Steven Mathis (Georgia)
 2. Kendall Mason (Texas)
 3. Darrel Yoder (Ohio)
 3. Approval of Auction Business Applicant:
 1. Sterling Automotive Group, Inc. (Lafayette, LA)
 2. AmeriBid LLC (Tulsa, OK)
 3. National Residential Auctioneers (Tulsa, OK)
 4. Governors' Affair (Winnfield, LA)
 5. North Shore Antiques & Auction House (Mandeville, LA)
 4. Approval of Apprentice Auctioneer Applicant:
 1. Richard 'Butch' Moore (Livingston, LA- supervisor Harlan Moore)
 2. James Kane (Eros, LA- supervisor James Smith)
 5. Approval of Reinstated Auctioneer Applicant:
 1. Allen Persick (Zachary, LA; originally licensed May 2002-2009)
 6. Mississippi Reciprocal agreement update- Chairman Steinkamp
- V. NEW BUSINESS
 1. Approval of Financials
 2. Attorney Report/Investigative Report
 1. Status of judgment from July hearings
 2. Definition of absolute auctions
 3. Applications and renewal forms
 1. Add "Have you filed bankruptcy within the past 7 years?"

4. Act 276 from 2012 legislative session provides for military and military spouse Licensing. Requires promulgation of Act 276 to our rules and regulations.
 1. Add the following questions to all applications:
 - Do you have military training and/or experience as an auctioneer?
 - Are you a military spouse who is certified, registered or licensed in another state as an auctioneer?
5. Policies and Procedures for handling complaints
6. Transfer capital outlay fund to separate bank due to FDIC insurance limits

VI. NEXT MEETING DATE – November 5, 2012

VII. ADJOURN to hearing

Hearing Docket

Robert Burns



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Pending Litigation

Robert Burns vs. Dow
Docket # 603248

Profit & Loss July 1, 2012- Sept 17, 2012

	<u>Jul 1 - Sep 17, 12</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Income				
Auctioneer Fees	5,400.00	95,000.00	-89,600.00	5.68%
Total Income	5,400.00	95,000.00	-89,600.00	5.68%
Expense				
Payroll Expenses				
Salaries	4,711.50	24,500.00	-19,788.50	19.23%
Payroll Tax Expense				
Medicare Tax Expense	68.31	570.00	-501.69	11.98%
FICA Tax	292.11	1,500.00	-1,207.89	19.47%
Total Payroll Tax Expense	360.42	2,070.00	-1,709.58	17.41%
Payroll Expenses - Other	4.88	0.00	4.88	100.0%
Total Payroll Expenses	5,076.80	26,570.00	-21,493.20	19.11%
Per Diem-Board	1,067.00	4,700.00	-3,633.00	22.7%
Operating Expenses				
Travel				
Conf/Convent Exp				
In State	0.00	1,000.00	-1,000.00	0.0%
Mileage Reimbursement				
Total In State	1,301.64	4,600.00	-3,298.36	28.3%
Out of State				
O.S. Travel & Lodging	0.00	1,800.00	-1,800.00	0.0%
O.S. Meals	0.00	300.00	-300.00	0.0%
Total Out of State	0.00	2,100.00	-2,100.00	0.0%
Total Travel	1,301.64	7,700.00	-6,398.36	16.9%
Operating Services				
Miscellaneous	0.00	300.00	-300.00	0.0%
Bank Service Charges	0.00	250.00	-250.00	0.0%
Postage and Delivery	141.09	2,000.00	-1,858.91	7.06%
Dues/Subscriptions	0.00	300.00	-300.00	0.0%
Insurance-General	538.00	550.00	-12.00	97.82%
Internet	94.50	400.00	-305.50	23.63%
Maintenance & Repairs	0.00	800.00	-800.00	0.0%
Rent	1,980.00	7,920.00	-5,940.00	25.0%
Telephone	376.10	1,600.00	-1,223.90	23.51%
Total Operating Services	3,129.69	14,120.00	-10,990.31	22.17%
Supplies				

Board meeting expense	104.11	800.00	-695.89	13.01%
Office Supplies	<u>1,147.73</u>	<u>2,000.00</u>	<u>-852.27</u>	<u>57.39%</u>
Total Supplies	1,251.84	2,800.00	-1,548.16	44.71%
Capital Outlay	<u>0.00</u>	<u>13,610.00</u>	<u>-13,610.00</u>	<u>0.0%</u>
Total Operating Expenses	5,683.17	38,230.00	-32,546.83	14.87%
Professional Services				
Investigative	0.00	10,000.00	-10,000.00	0.0%
Accounting	1,050.00	1,500.00	-450.00	70.0%
Legal Fees	5,868.51	30,000.00	-24,131.49	19.56%
Other	<u>728.00</u>	<u>10,000.00</u>	<u>-9,272.00</u>	<u>7.28%</u>
Total Professional Services	<u>7,646.51</u>	<u>51,500.00</u>	<u>-43,853.49</u>	<u>14.85%</u>
Total Expense	<u>19,473.48</u>	<u>121,000.00</u>	<u>-101,526.52</u>	<u>16.09%</u>
Net Income	<u><u>-14,073.48</u></u>	<u><u>-26,000.00</u></u>	<u><u>11,926.52</u></u>	<u><u>54.13%</u></u>

Balance Sheet

Sep 17, 12

ASSETS

Current Assets

Checking/Savings 189,237.97

Total Current Assets 189,237.97

TOTAL ASSETS

189,237.97

LIABILITIES & EQUITY

Liabilities

Current Liabilities

Other Current Liabilities 2,593.83

Total Current Liabilities 2,593.83

Long Term Liabilities 1,244.50

Total Liabilities 3,838.33

Equity 185,399.64

TOTAL LIABILITIES & EQUITY 189,237.97

Absolute auction:

No auction shall be advertised as "absolute" nor shall any advertising contain the words "absolute auction" or the word "absolute" or words with similar meaning nor shall any licensee offer or sell any real or personal property at absolute auction unless:

(a) There are no liens or encumbrances on the real or personal property, except property tax obligations, easements, or restrictions of record, in favor of any person, firm, or corporation other than the seller, or unless each and every holder of each and every lien and encumbrance, by execution of the auction listing contract, or otherwise furnishing to the auctioneer written evidence of a binding commitment therefor, shall have agreed to the unqualified acceptance of the highest bid for the property, without regard to the amount of the highest bid or the identity of the high bidder; or, alternatively, that a financially responsible person, firm, or corporation, by execution of the auction listing contract or by otherwise furnishing to the auctioneer written evidence of a binding commitment therefor, shall have absolutely guaranteed the forthwith and complete discharge and satisfaction of any and all liens and encumbrances immediately after the sale or at the closing, without regard to the amount of the highest bid received, or the identity of the high bidder; and

(b) There is the bona fide intention at the time of the advertising and at the time of the auction to transfer ownership of the real or personal property, regardless of the amount of the highest and last bid, to the high bidder, that intent existing without reliance on any agreement that any particular bid or bid level must be made or be reached, below which level the real or personal property would not be transferred to the high bidder; and

(c) The auction listing contract contains a binding requirement that the auction be conducted without reserve, and includes an acknowledgment that the seller, or anyone acting upon behalf of the seller, shall not bid at the absolute auction, or otherwise participate in the bidding process.

(4) Compliance with subsection (3) of this section shall not prohibit:

(a) A secured party or other lienholder who is not the seller from bidding at an absolute auction, providing that such bidding does not constitute, nor is it tantamount to the direct or indirect establishment or agreement to the establishment of a reserve price on the real or personal property by the seller or by the auctioneer, or by anyone aiding or assisting, or acting upon behalf of, the seller or the auctioneer; or

(b) Any individual party to the dissolution of any marriage, partnership, or corporation from bidding as an individual entity apart from the selling entity, on real or personal property being sold at auction pursuant to that dissolution; or

(c) Any individual party or heir of a deceased person's bona fide estate from bidding as an individual entity, apart from the selling entity, on real or personal property being offered at auction pursuant to that estate settlement; or

(d) The inclusion of nonmisleading advertising of certain real or personal property to be sold at "absolute auction" and the nonmisleading advertising of certain real or personal property to be offered at auction with reserve, within the same advertisement, or

for sale at the same date and place, providing that advertisement shall make clearly apparent through equal or appropriate emphasis, which real or personal property is being offered by each method.

(5) (a) The provisions of this chapter shall not prohibit any licensee from bidding on his or her own behalf at any auction sale, whether absolute or with reserve, if his or her option to do so has been fully disclosed as required by LSA-R.S. 37:3130.

(b) Except as provided in subsection (4) of this section, the seller may not bid at an absolute auction, nor may anyone bid upon his or her behalf. No licensee shall knowingly receive a bid by or on behalf of the seller at an absolute auction.

6) (a) At any absolute auction, any advertisement or representation of a minimum or suggested starting bid is prohibited.